

REMARKS

Claims 1-4, 6, 8-9, 11-12, and 19-21 are pending.

Claims 1-4, 6, 8-9, 11-12, and 19-21 are rejected.

Claims 5, 7, 10, 13-18 are cancelled.

Claim 1 is amended to clarify the operation of forcing compatibility of a version number for one table or a second table. This operation within the disclosure of the Applicants' invention is performed without acquiring (re-acquiring) new table information. That is the forcing of compatibility of a version number is performed before a system acquires new information (see the specification on page 4, line 13 to page 5, line 12 addressing the problems of having to acquire new table information). Support for the amendment for Claim 1 is found in the specification on page 5, lines 13-23, page 6, lines 25-41, and in other places.

Claim 1 is also amended to clarify that the claimed substitution operation is performed by getting information from the first table [VCT] and putting it into the second table [MGT] (or performing the reverse operation). Hence, two substitution clauses are used in the claim. Support for this operation is found in the specification on page 6, lines 25-31).

Claim 8 is amended to clarify the point addressed in Claim 1, where the forced compatibility operation is performed before new table information is acquired (for the first or second table). Support for this claim amendment is found in the specification on page 5, lines 13-23, page 6, lines 25-41, and in other places.

Claim 9 is amended to clarify the operation of the method claim that if there is a version number mismatch, the claimed invention will ignore such an incompatibility if there are no other errors detected in the received information. That is, the mismatch is the only condition which would call into question the received information. The amendment to Claim 9 is made by incorporating the elements of Claim 10.

No new matter was added in view of these amendments.

I. 35 U.S.C. 102(e) Rejection of Claims 1, 4-6, 8-9, and 12

The Examiner rejected Claims 1, 4-6, 8-9, and 12 under 35 U.S.C. 102(e) as being anticipated by Kondo et al (U.S. Patent 6,763,522, hereafter referred to as 'Kondo'). Applicants disagree with this ground of rejection.

Before the Applicants address the various claim elements of the claims rejected by the Examiner, the Applicants would like to address the various disclosures in Kondo as to provide a framework for what the reference teaches and/or suggests.

In the situation where received Virtual Channel Table (VCT) information has changed, from what is stored in memory, Kondo performs the operation of updating the stored VCT information. Specifically, Kondo stores VCT data corresponding to a first version number. When the system of Kondo detects that new VCT data has a version number that is different (changed), the system will replace the stored VCT information with the new VCT information (see Kondo, col. 9, lines 6-9).

This point is stated again in Kondo referring to the operation of having information in the Master Guide Table (MGT) be compared against information in the current version of the VCT (CVCTV) that is received. The system will then compare the new CVCTV against the version number stored in memory (SVCTV). If the version numbers between both are different, "the stored VCT is replaced or updated, at step 113 with the currently broadcasting VCT," (see Kondo, col. 10, line 64 to col. 11, line 7).

Applicants note that this disclosure in Kondo is that VCT data is replaced with other VCT data. This is not the operation of having information in the VCT replace information in the MGT, or vice versa.

Referring to the elements of Claim 1, the operation of the claimed invention provides that if there is a mismatch, three cases are performed:

1. Information from the first table (the first version number in the VCT, for example) is used to substitute information in the second table (MGT);

2. Information from the second table (the first version number in the MGT, for example) is used to substitute information in the first table (VCT);

3. A reversion is made back to a first version number (either for the MGT or the VCT).

Applicants note that each of these cases presents claimed solutions which are neither disclosed nor suggested in Kondo.

Kondo specifically discloses that when there is a version mismatch for VCT information, the system will use information from new VCT data (see above) to replace the old VCT data, this information is not from the MGT. Similarly, if there is a mismatch for MGT data, Kondo will use information from new MGT data to replace the old MGT data, this information is not from the VCT. Clearly, Kondo operates differently than what is claimed in Claim 1's three cases.

Applicants also note that Claim 1, as amended, can perform the three cases listed above without having to acquire new VCT or new MGT data to replace the "first version number".

The rejection to Claim 9, under 102(e) above, is overcome; as such a claim (by incorporating Claim 10) contains claimed elements that the Examiner found not to be present in the Kondo reference, alone.

Hence, for the reasons given above, Applicants request the Examiner remove the 102(e) rejection under Kondo to Claims 1, 4-6, 8-9, and 12

II. 35 U.S.C. 103(a) Rejection of Claims 3, 9, and 11

The Examiner rejected Claims 3, 9, and 11, as being unpatentable over Kondo in further view of Blatter et al. (U.S. Patent 5,844,595, hereafter referred to as 'Blatter'). Applicants disagree with this ground of rejection.

The rejection, as recited above, was previously applied to Claim 10 which is now incorporated into Claim 9. Hence, the comments that the Examiner made for Claim 10 would apply to Claim 9.

In the previous rejection to Claim 10, the Examiner wrote, “Kondo et al. do not disclose examining said program specific information for an error condition and decoding said packetized program information in response to the absence of an error condition. Blatter et al. disclose examining said program specific information for an error condition (abstract) and decoding said packetized program information in response to the absence of an error condition (abstract).” The Applicants however do not understand how the Examiner is exactly trying to apply both references as to teach the claimed elements of Claim 9.

Specifically, Claim 9 operates where “a mismatch between a version number of a first table of said program specific information and a corresponding version number of said first table conveyed in a second table” and “decoding said packetized program information in response to the absence of an error condition when the mismatch is the only detected error condition”. That is, the mismatch is the only detected error condition, packetized information will be decoded. If there are two error conditions, then presumably the packetized information will not be decoded.

The Examiner’s combination however would operate in a different manner, than described above. The key feature to the Examiner’s combination from Blatter’s Abstract is that “the current PSI may also be updated with the identified PSI data irrespective of the content of the identified PSI, provided that there is an absence of a PSI content error indication.” This suggests that data will not be decoded if there is an error condition, but this exactly what happens when in Kondo there is a version mismatch. Hence, when both references are combined, the resulting system will not “decoded said packetized program information” as in Claim 1, because a detected version mismatch of two tables is an error condition.

Therefore, the Applicants assert that the Examiner’s combination of Kondo and Blatter, alone and in combination, do not disclose or suggest the claimed features of Claim 9.

Applicants request that the Examiner remove the rejection to Claims 3, 9, and 11 for the reasons listed above.

III. 35 U.S.C. 103(a) Rejection of Claim 19

The Examiner rejected Claim 19 under 35 U.S.C. 103(a) as being unpatentable over Kondo in view of Augenbraun et al. (U.S. Patent 5,617,565, hereafter referred to as ‘Augenbraun’). Applicants disagree with this ground of rejection.

The Examiner in the rejection writes that, “Kondo et al. do not disclose removing a channel associated with said fault condition from a User’s viewable active channel list. Augenbraun et al. disclose removing a channel from a User’s channel line-up list.” Hence the Examiner concludes that the combination of Kondo with Augenbraun is obvious because “such doing would make the method user-friendlier.”

Without the Examiner pointing to any specific teaching within Augenbraun, the Applicants have found a section that discloses the following, “Finally, it is also possible to customize the channel guide in that the channels that the user rarely accesses can be removed upon the initial display; this customization is not automatic—direct user interaction with the StarSight system is required,” (Augenbraun, col. 5, lines 13-17).

The Examiner therefore has combined Kondo and Augenbraun to create a system that will detect check version number information in MGT or VCT table information, and a system that allows a user to manually add and remove channels from a channel listing. It is not apparent though how a user deleting a channel from a channel listing for a rarely watched channel has anything to do with detecting version numbers of MGT or VCT tables for a fault condition. Moreover, the claimed operation of Claim 19 will remove a channel from a user listing in response to a fault condition, versus the combination of Kondo and Augenbraun where a user either manually adds a channel or deletes a channel for user listing in response to the user’s preferences, not a detected fault condition.

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Applicants therefore assert that the Examiner's combination of Kondo and Augenbraun do not teach nor disclose the claimed elements of Claim 19. Applicants request the Examiner reverse the rejection to Claim 19.

III. 35 U.S.C. 103(a) Rejection of Claims 2 and 20-21

The Examiner rejected Claim 2 under 35 U.S.C. 103(a) in view of Kondo in view of Ozkan et al. (WO 99/03268). Claim 20 was also rejected under 35 U.S.C. 103(a) in view of Kondo and Augenbraun and in further view of Blatter. The Examiner additionally rejected Claim 21 under 35 U.S.C. 103(a) in view of Kondo, Augenbraun, and Fujimori et al. (U.S. Patent 6,445,923).

Applicants request that the Examiner reverse the rejection to Claim 2 and Claims 20-21, as such claims depend on allowable Claims 1 and 19, respectively.

For the reasons given above, Applicants assert that all of the pending claims are patentable over the prior art. If the Examiner would want to discuss the merits of the present application and Office Amendment and Response, the Examiner is encouraged to call the Applicants' representative at 609-734-6809.

Applicants request a three month extension to file this response under 37 C.F.R. 1.136(a). Please charge the fee for this extension, for the enclosed Request for Continuing Examination, and any other fees owed in connection with this paper to Deposit Account No. 07-0832.

Respectfully submitted,

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